

THE COMMONWEALTH.

KENTUCKY LEGISLATURE.

IN SENATE.

THURSDAY, March 6, 1856.

Prayer by the Rev. JOHN N. NORTON, of the Episcopal Church.

RESOLUTIONS.

Mr. WEIS offered the following resolution, which was adopted, viz:

Resolved, That during the residue of the session the Senate will meet at half past 3, A. M., and sit until half past 11; meet again at 3, and sit until 6; meet again at 7, and sit until 11.

Mr. SUDWORTH offered the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of \$100,000, to be paid out of the treasury, be appropriated to the purpose of erecting a new building for the use of the State, to be known as the "Financial Committee of Kentucky."

Resolved, That said committee may appoint a clerk, and fix his salary for the time they may require his services, not exceeding \$1,000.

Resolved, That it shall be the duty of said committee, upon oath, to examine the accounts and vouchers of the Land Office, the Institution for the Education of the Deaf and Dumb, the Institution for the Education of the Blind, the Sinking Fund; the Geologist; the Board of Internal Improvement, and all other institutions and works to which the State has made appropriations, to the utmost of their power, and report at the next session of the General Assembly, for which services said committee shall each receive \$2,000 out of the treasury, one-fourth when they qualify, one-fourth at the end of the present year, and the balance when they report; and their clerk to be paid in the same manner.

Resolved, That said examination shall not only embody the comparison of the vouchers, with the amounts stated in any accounts, with the authority for the payment, and the equivalent, making a fair estimate thereof; and everything which said commissioners may deem necessary for the General Assembly to know, to enable it the better to protect the financial interests of the State, said examination not to go farther back than five years.

Resolved, That said committee shall have plenary powers for the above objects.

REPORTS FROM STANDING COMMITTEES.

Mr. BULLOCK—Judiciary—a bill from the House to incorporate the Lodge, No. 325, Free and Accepted Masons; passed.

Same—a bill from the House to incorporate the Lodge, No. 217, of Free and Accepted Masons; passed.

Same—a bill from the House to incorporate the Lodge, No. 38, I. O. O. F.; passed.

Same—a bill from the House to amend the charter of the City of Louisville; passed.

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also, ten thousand dollars for completing warming apparatus; also, one thousand dollars for painting the exterior wood-work of the building of said institution; and five hundred dollars to secure the windows in said building. All of which sums shall be paid out of any moneys in the treasury not otherwise appropriated, on the warrant of the auditor of public accounts, drawn in favor of the managers of said institution.

§ 2. That it shall be the duty of the managers of said institution to let out the repairs contemplated by the foregoing section of this act, after sufficient public notice, to the lowest and best bidder; and should said managers exceed the appropriations hereby made for repairs, they shall be held personally liable for such excess. This act shall take effect from its passage.

Mr. KING moved to lay the bill on the table, but at the request of Mr. SMITH withdrew it. After considerable discussion, Mr. BARLOW moved to strike out \$17,000 and insert \$10,000. Mr. WRIGHT moved to lay the bill and amendment on the table; rejected—yeas, 10; nays, 21.

LEAVE OF ABSENCE.

Mr. D. HOWARD SMITH had leave of absence for the remainder of the session. And then the Senate took a recess until seven o'clock.

NIGHT SESSION.

REPORTS FROM STANDING COMMITTEES. Mr. BUCKNER—Judiciary—a bill from the House to mitigate the punishment for duelling. Mr. HARDIN moved to lay the bill on the table; rejected—yeas, 9; nays, 12.

Same—a bill from the House for the benefit of Edward Morris, of Calloway county; passed. And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 6, 1856.

Prayer by the Rev. J. N. NORTON, of the Episcopal Church.

Mr. J. B. ANDERSON, from the committee on Claims, (upon special leave obtained by Mr. E. O. BROWN) reported a bill for the benefit of John S. Dorman; passed.

Mr. PELL moved to suspend the orders of the day to take up the bill to attach a piece of Ohio county to Hancock; rejected.

REPORTS FROM STANDING COMMITTEES. Mr. GARRARD, from the committee upon Military Affairs, reported a bill for the benefit of the State Arsenal; passed—yeas, 81; nays, 2. (Appropriates \$250 to set up a forge, lathe, and emery wheel.)

Also—a bill from the Senate to prevent the selling or using certain weapons.

(Prohibits the vending of "colts," "brass-knuckles," and "slung shot," &c., under penalty of \$25 for each offense; imposes a penalty of \$100 for every case of striking with such weapons; and in case of death ensuing from blows by such weapons or any other allows damages to the widow or heirs at law at the discretion of a jury.)

Mr. McELROY moved to strike out the section of the bill which fixes the amount of damages; adopted.

Mr. MENZIES moved to lay the bill upon the table; rejected.

Mr. HANSON moved to insert after "brass knuckles," &c., the words "pistols, bowie knives, dirks, sword canes," &c.; adopted.

Messrs. BEN BERRY, and ELLIOTT opposed the bill as amended.

Mr. HELM moved to reconsider the vote by which the amendment was adopted.

Mr. NUTTALL argued in favor of the bill as amended, and opposed the motion to reconsider.

Mr. HANSON spoke in favor of his amendment, and against the motion to reconsider.

Mr. WOOD moved the previous question; ordered.

The motion to reconsider was then rejected.

Mr. MONTGOMERY moved to exempt sheriffs, constables, and other peace officers from the operation of the proposed law; rejected.

Mr. SPEER moved the previous question which was ordered.

The bill was then ordered to a third reading, and it had its third reading to-morrow at half past nine o'clock.

PATROL UPON THE OHIO.

The bill to establish the patrol upon the Ohio river came up as a special order, the question being upon the substitute reported by Mr. WORTHINGTON from the select committee upon that subject, and which had been amended by striking out the clause allowing negro testimony against persons accused of inducing slaves to escape, &c. &c.

Mr. PRICHARD moved to lay the bill and substitute upon the table; rejected—yeas, 29; nays, 49.

The substitute was then adopted, and the question being upon ordering the bill as amended to a third reading, it was negatived—yeas, 43; nays, 50.

(The bill in the shape in which it was then rejected, makes it the duty of the County Judge and a majority of the Justices in the counties upon the Ohio river to appoint patrols for their respective counties, and makes such patrols removable at the pleasure of the Judge, or of the County Court and a majority of Justices; requires that all persons caught at Kentucky shore, and not under the immediate charge of the owner, &c., shall be chained and locked and the oars removed, and for a violation of this provision any free person may be fined not exceeding \$15 by a Justice of the Peace or County Judge, or recommitment to appear at the Circuit Court, where he may be fined not exceeding \$500, or imprisoned not exceeding six months in the county jail, or both, and the craft shall be dealt with as if attached for debt, &c., and proceeds applied to paying wages of patrols; if the offender be a slave he shall be whipped and his master may be fined. To pay wages of patrols, the following annual appropriations are made to the border counties, viz: to Greenup, Lewis, Oldham and Henderson, \$1,200 each; to Mason and Boone, \$2,700 each; to Bracken and Kenton, \$900 each; to Pendleton and Harlan, \$1,000 each; to Campbell, \$1,800; to Gallatin, Carroll and Trimble, \$1,500; to Jefferson, \$4,200; to every other county on the Ohio river, \$600. To raise a revenue to carry out the object of the law, an annual tax of 3/4 of one cent on the \$100 is imposed upon the taxable property of the State.)

USUARY BILL.

The bill from the Senate the better to define usury, came up as a special order, the question being upon its passage.

Mr. GOODLOE addressed the House in opposition to the bill.

Mr. SMEDLEY moved to amend by adding a proviso excepting Deposit Banks from the operation of the bill.

The discussion was further continued by Messrs. WORTHINGTON and MENZIES, in favor of the bill, and by Messrs. HEWITT, and GOODLOE in opposition to it.

Mr. FOSS moved the previous question, which was ordered.

The amendment offered by Mr. SMEDLEY was then rejected.

The question being then upon the passage of the bill, it resulted as follows:

Yeas—Messrs. J. B. Anderson, Baker, Ben Berry, Bodley, Bohannon, Booker, Bowling, Bradford, Bruce, Cochran, M. J. Cook, Corbett, Covington, Culton, Deatherage, Chas. Duncan, J. L. Duncan, E. J. Evans, Goodloe, Graham, Hewitt, Hicks, James, Jolly, A. Jones, Richard Jones, Kinsler, G. F. Lee, Long, Mahan, Marshall, McCampbell, Miller, Montgomery, Pell, Prichard, Raymond, Ricketta, Rogers, Russell, Smedley, Terry, Tavis, Thornton, Thurman, VanWinkle, Vaughn, Ware, Winn, Wood, Woods, and Worsham—53.

So the bill was rejected.

REFUND OF LOTTERY GRANTS.

Mr. MENZIES, from the committee on the

Judiciary, reported (according to special instruction) a bill repealing all laws granting lottery privileges.

Read a first time and ordered to a second reading by consent.

A motion to dispense with the second reading was carried—73 to 15.

Mr. HELM moved to re-commit the bill to the committee on the Judiciary.

Mr. COCHRAN moved to lay the motion upon the table; carried.

Mr. SMEDLEY moved to amend as to except the Shelby College lottery grant; negatived.

The bill was then ordered to a third reading, and a motion to dispense with the third reading was made and refused—yeas, 66; nays, 28.

So the House refused to dispense—a majority of four-fifths being necessary for that purpose.

Mr. COCHRAN moved that the bill have its third reading at half past nine o'clock to-morrow.

Mr. HANSON moved to dispense (in Mr. N.'s behalf for the present occasion) with the rule restricting speeches to ten minutes; carried—yeas, 63; nays, 26.

Mr. NUTTALL addressed the House in opposition to the bill, and Mr. WORTHINGTON replied and advocated it.

Mr. GRAY spoke in favor of the bill.

Mr. HELM would vote for the bill upon further consideration, if he could do so without violating his oath to support the constitution; but he must have a little time to investigate and consider, and that was the reason he had this morning moved to re-commit the bill to the committee on the Judiciary. He was against all lotteries and all gambling, and only wished to be satisfied that the bill did not violate the constitution, and then he would vote for it.

The motion that the bill have its third reading to-morrow at 9 1/2 o'clock was then adopted.

And then the House took a recess until three o'clock.

(Proceedings of evening session in to-morrow's paper.)

THE NATURALIZATION LAWS.—The following is the bill for the modification of the Naturalization and Immigration Laws, which has been introduced in the U. S. Senate by Hon. Stephen Adams, of Mississippi, who was elected as a Democrat, but who will hardly be henceforth permitted to enjoy full fellowship with the foreign-born Democracy, who seem to think that one Dutchen or Irishman is worth a dozen native Americans. It was read twice, and referred to the Committee on the Judiciary:

"Be it enacted, That no alien who may arrive in the United States, after the passage of this act, shall be permitted to become a citizen of the United States, unless he shall, on making application to be admitted to the rights of citizenship, declare under oath the satisfaction of the court having jurisdiction of the case, that he has been a resident of the United States twenty-one years continuous prior to the time of making such application; and he shall not be permitted to make his declaration of his intention to become a citizen of the United States, until he shall have resided in the United States ten years at least."

2. That any alien, being a free white person, who shall have proved a residence of twelve months in the United States, shall be entitled to all the protection of the Government, and be allowed to inherit and hold and transmit real estate, so long as he remains within the limits of the United States, in the same manner as though he were a citizen of the United States.

3. That from and after the passage of this act, aliens shall be admitted to citizenship in a Circuit or District Court of the United States in some one of the States or Territories of the U. S. States, and in no other Court.

4. That it shall not be lawful for any captain, master, agent or commander of any merchantman, or other vessel sailing under the laws of the United States, or of any foreign vessel coming to the United States, to bring into any port or into the waters of the United States, or land on any of the territories of the United States, any alien or person of foreign birth, unless such alien, or person of foreign birth shall deposit with such captain, master, agent or commander a certificate, properly authenticated, from the United States Consul or Commercial Agent of the port from which such person embarked, certifying that he is of good character, and has never been convicted of any criminal offense, or been a public pauper, and any captain, master, agent or commander of any vessel who may violate the provisions of this act may be deemed guilty of misdemeanor, and upon conviction thereof by any Court of competent jurisdiction, shall be punished by a fine of five hundred dollars for each offense.

5. That all acts and parts of acts conflicting with the provisions of this act, he and the same are hereby repealed.

(From the St. Louis Republican.)

The case of Fred Scott vs. Sanford, a suit for freedom now pending on appeal in the United States Supreme Court, was before our own courts under the name of Scott vs. Emerson, and was found reported in 15 Mo. Rep. p. 576. The facts are briefly as follows: Dr. Emerson, the owner of Fred Scott, was a surgeon in the army, who being ordered from St. Louis to Rock Island, in Illinois, took his servants with him, and detained them in servitude from 1834 to 1836, and then removed them to Fort Snelling, and detained them until 1838, when they were returned to St. Louis.

The Supreme Court, Gamble dissenting, held that the slave returning to this State, although he might have been illegally held in slavery in Illinois, or in the Territory, and might perhaps have sued for and obtained his freedom, yet upon his return, he was remitted to his status in this State, and that our courts would not enforce the laws of Illinois, and would not confiscate the property of her own citizens, for the commission of a crime in another State, but that the fact of the suit for freedom showed that the defendant had not assented to the freedom of his slave.

The suit now pending upon appeal was brought in the Circuit Court for this district in the usual method of trespass for an assault. The defendant pleaded, in abatement of the jurisdiction, that the plaintiff was his slave, and was not a citizen of the State of Missouri, and therefore not entitled to bring suit in the United States Court. This plea was overruled upon demurrer, and the facts submitted to the court, which followed the decision of the Supreme Court of the State, and from this decision an appeal was taken.

The question, therefore, arising upon the record before the court would seem to be: Is it a negro a citizen within the meaning of the Constitution so as to be entitled to all the privileges of the several States, and thus entitled to sue for his freedom in the Courts of the United States? 2nd—Will the courts of the United States undertake to give force and effect to the laws of one State within the limits of another, by deciding upon the status of the party as effected by the laws of a foreign State, or will it hold that the party returning in slavery, his status must be determined by the laws of the State in which he resides, and not by the laws of the State of which the persons domiciled within its territory must be decided by the laws of the State, except so far as such laws conflict with the Constitution of the United States, and does not touch the subject?

The last view was that taken by the Supreme Court in the case of Strader vs. Graham, 10 How. R. 72, and from that opinion the court is not likely to recede. Consequently the constitutionality under the Missouri compromise is not necessarily involved in the case before the court, nor likely to be decided. The important question would seem to be, can a negro be a citizen within the terms of the constitution, so that a negro from Massachusetts can live in South Carolina, if he sees fit, claiming that, being a citizen of Massachusetts, he is therefore a citizen of the United States. This position has been denied by the lower courts in several States, but we are not aware that it has ever been decided by any court of last resort. We await, therefore, the decision of the case with a great deal of interest.

LAWS OF KENTUCKY.

AN ACT REGULATING THE TIME OF HOLDING THE CIRCUIT COURTS.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Circuit Courts for the several counties in each of the thirteen circuit court judicial districts in this Commonwealth, shall commence in the counties at the times hereinafter specified, and be held the number of judicial days allotted to each term, if the business of the court shall require it, viz:

FIRST DISTRICT.

In the county of Fulton, on the first Mondays in March and September, and continue, each, twelve judicial days.

In the county of Hickman, on the third Mondays in March and September, and continue, each, twelve judicial days.

In the county of Ballard, on the first Mondays in April and October, and continue, each, twelve judicial days.

In the county of McCracken, on the third Mondays in April and October, and continue, each, twelve judicial days.

In the county of Marshall, on the second Mondays in May and November, and continue, each, twelve judicial days.

In the county of Calloway, on the fourth Mondays of May and November, and continue, each, twelve judicial days.

In the county of Graves, on the second Mondays in June and December, and continue, each, twelve judicial days.

In the county of Livingston, on the fourth Mondays in June and first Monday in January, and continue, each, six judicial days.

In the county of Lyon, on the first Monday in July and second Monday in January, and continue, each, twelve judicial days.

In the county of Crittenden, on the third Mondays in July and fourth Monday in January, and continue, each, twelve judicial days.

In the county of Union, on Tuesday after the first Monday in August and the second Monday in February, and continue the first, seventh, and the second, twelve judicial days.

SECOND DISTRICT.

In the county of Trigg, on the last Mondays in February and August, and continue, each, twelve judicial days.

In the county of Caldwell, on the second Mondays in March and September, and continue, each, twelve judicial days.

In the county of Christian, on the first Monday in April, and the last Monday in September, and continue, each, eighteen judicial days. A term for the trial of equity causes shall also be held in the county of Christian, commencing on Tuesday after the first Monday in August, and continue eleven judicial days.

In the county of Todd, on the fourth Monday in April, and the third Monday in October, and continue, each, twelve judicial days.

In the county of Muhlenburg, on the second Monday in May, and continue twelve judicial days, and first Monday in November, and continue six judicial days. A term for the trial of equity causes, shall be held in the county of Muhlenburg, to commence on the third Monday in August, in each year, and continue five judicial days.

In the county of Hopkins, on the fourth Mondays in May and third Monday in November, and continue, each, twelve judicial days.

In the county of Henderson, on the second Monday in June, and first Monday in December, and continue, each, twenty-four judicial days.

THIRD DISTRICT.

In the county of Hancock, on the last Mondays in February and August, and continue, each, six judicial days.

In the county of Davies, on the first Mondays in March and September, and continue, each, twelve judicial days; also, on the fourth Monday in June, and continue six judicial days, for the trial of equity, criminal and penal causes.

In the county of Meade, on the third Mondays in March and September, and continue, each, six judicial days.

